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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/574,405

03/31/2006

Ehud Gazit

31689

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12/03/2008

MARTIN D. MOYNIHAN d/b/a PRTSI, INC.

P.O. BOX 16446

ARLINGTON, VA 22215

EXAMINER

ARCHIE, NINA

ART UNIT

PAPER NUMBER

1645

MAIL DATE

DELIVERY MODE

12/03/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/574,405	Applicant(s) EHUD ET AL	
	Examiner Nina A. Archie	Art Unit 1645	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on July 24, 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4,6,8-12 and 14-33 is/are pending in the application.
- 4a) Of the above claim(s) 8-12 and 14-33 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>See Continuation Sheet</u> . | 6) <input type="checkbox"/> Other: _____ |

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :3/31/2006, 12/21/2007, 7/7/2008.

DETAILED ACTION

Priority

1. Applicant's claim for domestic priority under 35 U.S.C. 119(e) is acknowledged.

Drawings

2. The drawings in this application have been accepted. No further action by Applicant is required.

Specification

3. The disclosure is objected to because of the following informalities listed below. Appropriate correction is required.

The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

The disclosure is objected to because it contains an embedded hyperlink and/or other form of browser-executable code (see for example, [0093-0094, 0097, 0101], Example 1, etc.) Applicant is required to delete the embedded hyperlink and/or other form of browser-executable code. See MPEP § 608.01.

The use of the trademark BIAcore.TM.2000 (see 0198) has been noted in this application. It should be capitalized wherever it appears and be accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

Information Disclosure Statement

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4. The information disclosure statements filed on 3/31/2006, 12/21/2007, 7/7/2008 has been considered. Initialed copies are enclosed.

Election/Restrictions

5. Applicant's election of Group I claims (1-7) is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

It is noted that claims are drawn to Group I claims 1-4 and 6. Examiner agrees that claims 13-19 were erroneously put in Group I and are designated to Group II (claims 8-12, 14-19).

Claims 8-12, 14-33 withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected Group II (claims 8-12, 14-19) or Group III claims (20-28 and 31-33) or Group IV (claims 29-30), there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in on 7/24/2008.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-3 rejected under 35 U.S.C. 102(b) as being anticipated by De La Cueva et al WO 2001/05421A1 Date January 25, 2001.

Claims 1-3 are drawn to a method of identifying a molecule capable of inducing death of a bacterial cell, the method comprising: a) exposing toxin and antitoxin polypeptides of a toxin-antitoxin pair produced by the bacterial cell to a plurality of molecules; and identifying a molecule of said plurality of molecules capable of preventing or disrupting binding between antitoxin and toxin polypeptides, thereby identifying the molecule capable of inducing death of the bacterial cell.

De La Cueva et al teach a method of inhibiting cell proliferation and/or cell cycle progression, the method comprising providing within eukaryotic cells a bacterial toxin, in particular a bacterial toxin of a post-segregational killing system such as *ParD*. Activity or production of toxin and/or inhibitor, e.g. antidote, is controlled for selective killing of target cells, not-target cells (see abstract). De la Cueva et al teach method of identifying a molecule capable of inducing death of a bacterial cell, the method comprising: a) exposing toxin and antitoxin polypeptides of a toxin-antitoxin pair produced by the bacterial cell to a plurality of molecules; and identifying a molecule (Tetracyclin (or Doxycyclin) of said plurality of molecules capable of preventing or disrupting binding between antitoxin and toxin polypeptides, thereby identifying the molecule capable of inducing death of the bacterial cell, wherein step (a) is effected by administering said plurality to bacteria expressing said toxin and antitoxin polypeptides (see claims and examples 1-3 and figures 1-6).

Status of the Claims

7. No claims are allowed.
Claims 1-3 are rejected.
Claims 4 and 6 are objected to as being dependent on a base claim.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nina A. Archie whose telephone number is 571-272-9938. The examiner can normally be reached on Monday-Friday 8:30-5:00p.m.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner supervisor, Robert Mondesi can be reached on 571-272-0956. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Nina Archie

/N. A. A./

Examiner

Examiner, Art Unit 1645

Art Unit 1645

/Mark Navarro/

Primary Examiner, Art Unit 1645